

ORIGINAL
26 CR**FILED**
HARRISBURG, PA

MAY 19 2003

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**MARV E. D'ANDREA, CLERK
Per
Deputy Clerk**JOHN D. PERKEY and THERESA M.
PERKEY,****Plaintiffs****vs.****RELIABLE CARRIERS, INC.,
DANIEL JOSEPH BEMBEN and KENT,
Defendants****CIVIL ACTION NO. 1:CV-00-1639
(Judge Andrew Smyser)****ANSWER OF DEFENDANTS RELIABLE CARRIERS, INC. AND DANIEL JOSEPH
BEMBEN TO ABF FREIGHT SYSTEMS, INC.'S MOTION TO RESPOND TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

AND NOW come Defendants Reliable Carriers, Inc. and Daniel Joseph Bemben, by and through their attorneys, E. Ralph Godfrey, Esquire and Godfrey & Courtney, P.C., and respond to ABF Freight Systems, Inc.'s Motion to Respond to Defendants' Motion for Summary Judgment as follows:

1. Admitted in part; denied in part. It is admitted that John D. Perkey was in an accident on September 15, 1998, while in the course and scope of his employment with ABF Freight Systems, Inc. After reasonable investigation, Defendants lack sufficient knowledge to either to admit or deny the remaining allegations and, therefore, they are denied.
2. Denied. Paragraph 2 is denied as a conclusion of law and, therefore, deemed denied.
3. Admitted in part; denied in part. It is admitted that ABF Freight System, Inc. or its insurer paid workermen's compensation benefits to John D. Perkey. After reasonable investigation, Defendants lack sufficient knowledge to either admit or deny the total amount of workermen's compensation benefits paid to John D. Perkey and, therefore, it is deemed denied.

Furthermore, it is denied that the wage loss payments and medical expenses were a result of this alleged incident.

4. Admitted.
5. Admitted.
6. Denied. Both Motions are documents, which speak for themselves.
7. Denied. Plaintiffs have adequately protected ABF's interest in this matter

and this issue has been fully briefed. The trial is currently scheduled for July, 2003.

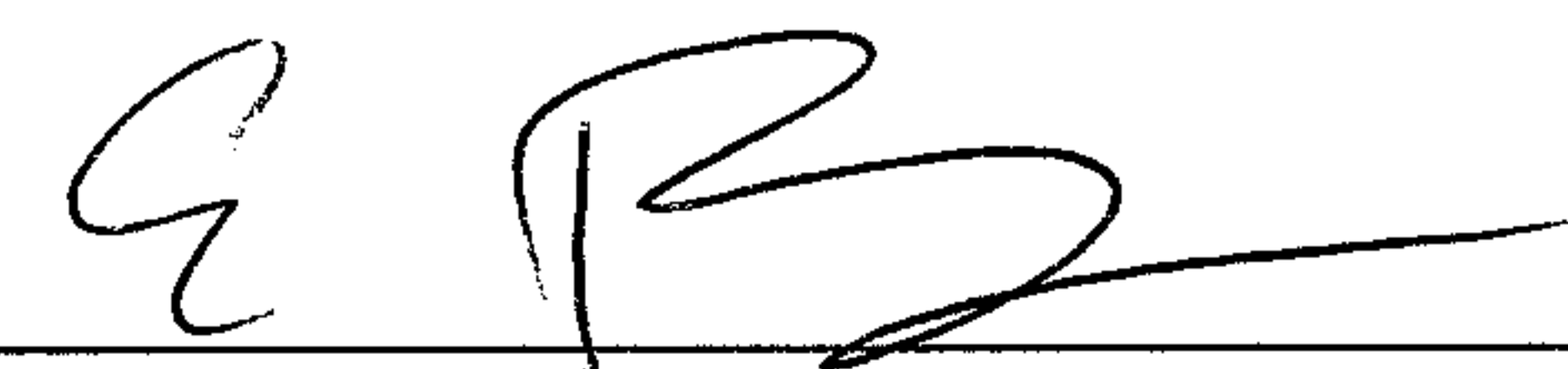
Allowing ABF to brief this issue after Plaintiffs have already filed a Brief in Opposition will cause a delay in the resolution of this matter.

WHEREFORE, for all of the foregoing reasons, Defendants Reliable Carriers, Inc. and Daniel Joseph Bembien, respectfully request that this Honorable Court deny ABF Freight Systems, Inc.'s Motion to Respond to Defendants' Motion for Summary Judgment.

Respectfully submitted,

GODFREY & COURTNEY, P.C.

By: _____


E. Ralph Godfrey, Esquire
Attorney ID No.: 77052
2215 Forest Hills Drive, Suite 36
P.O. Box 6280
Harrisburg, PA 17112
(717) 540-3900


Date: May 19, 2003

CERTIFICATE OF SERVICE

AND NOW, this 19 day of May, 2003, I, E. Ralph Godfrey, Esquire, of Godfrey & Courtney, P.C., attorneys for Defendants Reliable Carriers, Inc. and Daniel Joseph Bemben, hereby certify that I served the foregoing Answer to ABF Freight Systems, Inc.'s Motion to Respond to Defendants' Summary Judgment Motion by depositing the same in the United States mail, postage prepaid, in Harrisburg, Pennsylvania, addressed to:

Marcus McKnight, Esquire
Mark D. Schwartz, Esquire
Irwin, McKnight & Hughes
60 West Pomfret Street
Carlisle, PA 17013

Michael A. Farrell, Esquire
Farrell & Ricci, P.C.
4423 North Front Street
Harrisburg, PA 17110



E. Ralph Godfrey